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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,399	07/29/2003	Yannick Morand	116720	3981
25944	7590	07/11/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			LE, MARK T	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/628,399

Applicant(s)

MORAND ET AL.

Examiner

Mark T. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 6-9, 11, 16-19 is/are rejected.
- 7) ☒ Claim(s) 2-5 and 12-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*h*

### DETAILED ACTION

1. This communication is responsive to the amendments filed on March 3, 2005.

Applicant's amendments and remarks have been carefully considered.

2. In claims 1 and 11, last line, the expression "the geared motor mechanism" lacks antecedent basis. It should be changed to --the geared motor-- so as to be consistent with the same recited in preceding parts of the respective claims.

3. Claims 1, 8-9, 11, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Pearson (US 4,003,314).

Pearson discloses a transport chair lift having all the features recited in the instant claims, including chairs 29 secured to rope 10, 11 inherently by fixed grips, vertical axis bull-wheel 12, bull wheel mounting carriage 20 with rollers 21, tensioning means 25, and geared motor 17, 18, 19; wherein, the geared motor, which includes an electric motor and speed reducer, comprises vertical shaft line 17 extending perpendicular to the bull-wheel. Regarding the instant claimed shaft line being a coaxial shaft line, note that at least speed reducer 18 and bull wheel 12 of Pearson have a common axis at shaft line 17; therefore, shaft line 17 is readable as a coaxial shaft line as broadly recited in the instant claims.

4. Claims 1, 6, 8-9, 11, 16 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thibaudon (US 4,049,999) in view of Asberg (US 4,782,761).

Thibaudon discloses a transport chair lift similar to that recited in the instant claims, including chair 2 secured to hauling and carrying rope 10 inherently by a fixed grip, vertical axis bull-wheel 16, and geared motor 20,21; wherein, the geared motor,

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which includes an electric motor and speed reducer, comprises a vertical shaft line connecting and extending perpendicular to bull-wheel 16. Regarding the instant claimed shaft line being a coaxial shaft line, note that at least speed reducer 21 and bull wheel 16 of Thibaudon have a common axis at the shaft line; therefore, the shaft line of Thibaudon is readable as a coaxial shaft line broadly recited in the instant claims.

Asberg discloses a bull wheel and tensioning assembly including bull-wheel 2, geared motor mechanism 3, and carriage 10 mounted on rollers 11, 12 for rolling along fixed horizontal sections 8, 8'. The arrangement of Asberg is such that the bull-wheel is driven by geared motor mechanism 3, and carriage 10 operates with tensioning mechanism 9 for providing a proper tension for carrying and hauling rope 1.

In view of Asberg, it would have been obvious to one skilled in the art to substitute a bull wheel and tensioning assembly with a geared motor mechanism, similar to that taught by Asberg, for the bull-wheel and geared motor mechanism of Thibaudon so as to achieve expected advantages thereof, such as a combined unit that is capable of performing both driving and tensioning functions.

Regarding the instant claimed electronic speed control recited in instant claim 6, consider the speed control connected to motor 20 of Thibaudon.

5. Claims 1, 7-9, 11 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosman (US 4,100,822) in view of Falque (US 5,134,571).

Rosman discloses a chair lift similar to that recited in the instant claims. It is noted that in the system of Rosman, the chair requires two carrying and hauling ropes supported on two horizontal-axis bull-wheels at each end of the run.

Falque discloses a chair lift system; wherein, the chair requires only one carrying and hauling rope on one vertical axis bull wheel 2 at each end of the run.

In view of Falque, it would have been obvious to one skilled in the art to modify the rope and bull wheel arrangement of Rosman into a one rope and one vertical axis bull wheel arrangement at each end of the run, in a manner similar to that taught by Falque, so as to reduce costs and problems associated with having more ropes and bull wheels.

Note that the structure of Rosman, as modified, would include, at the end of a run, one rope and one vertical axis bull wheels as taught by Falque; however, Rosman's structure, as modified, would still retain the geared motors arranged with respect to the bull wheel, as taught by Rosman, because such arrangement of the geared motors of Rosman is the main objective of Rosman's invention. Applicant should also note that each geared motor of Rosman has a coaxial shaft line as shown in Figure 24 of Rosman.

Regarding the instant claimed emergency motor and toothed wheel, recited in claim 7, consider one of the plurality of motors of Rosman that cooperate with the tooth wheel/ring member of the bull wheel. Said one of the motors of Rosman is readable as an emergency motor, i.e. when the other one of the motors of Rosman is malfunction, said one of the two motors inherently functions as an emergency motor.

Regarding the instant claimed motor being an electric motor, note that hydraulic and electric motors are well known alternatives in the art. Note for example, the electric motor of Falque and the hydraulic motor of Rosman. Therefore, it would have been

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obvious to one skilled in the art to use electric motors instead of hydraulic motors in the structure of Rosman, as modified, because systems operate with electric motors are simpler than those operate with hydraulic motors.

6. Claims 2-5 and 12-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The above grounds of rejections are considered to include responses, either directly or indirectly, to Applicant's relevant points of arguments.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Le whose telephone number is 571-272-6682. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark T. Le  
Primary Examiner  
Art Unit 3617

mle  
6/30/05